



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Mine file

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April 22, 1992

CERTIFIED RETURN RECEIPT REQUESTED
No. 540 713 889Mr. Robert Hagen, Director
Office of Surface Mining
Reclamation and Enforcement
Suite 310, Silver Square
625 Silver Avenue, S.W.
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: Ten-Day Notice X92-02-352-003-TV1, Bear Canyon Mine,
ACT/015/025, Emery County, Utah

This letter responds to the above-referenced Ten-Day Notice (TDN), the certified copy of which was received at the Division's offices on, April 17, 1992.

Number 1 of 1 reads: "Failure to provide cross sections of diversions. All diversions except D-1D, D-2D and D-7D." Sections of state law, regulations or permit conditions believed to have been violated: R. 645-301-722.200.

Division response: R. 645-301-722 reads: "The application will include cross sections and maps showing:" R. 645-301-722.2, the regulation allegedly violated: "Location of surface water bodies such as streams, lakes, ponds, and springs, constructed or natural drains, and irrigation ditches within the proposed permit and adjacent areas;"

The regulation cited is the requirement for an environmental description under Hydrology. The permit contains maps satisfying the requirements of 722.2, and that is not at issue in the TDN. The permit also provides an environmental description of diversion ditches at pages 7-87 and 7-87-A in satisfaction of cross sectional requirements found at R. 645-301-722.2.

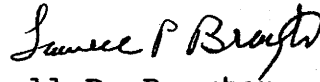
The information provided in the permit at pages 7-87 and 7-88 provides a cross sectional perspective of the diversions, and

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unquestionably supplements the environmental description contained in maps submitted in fulfillment of the requirements of 722.2.

This TDN should be vacated.

Sincerely,



Lowell P. Braxton
Associate Director, Mining

vb
cc: D. Nielson
P. Grubaugh Littig
PFO
tdnbcyn2